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| SUBSTITUTE FORM PTO-1390      U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  |  | ATTORNEY'S DOCKET NUMBER<br>14923.0035                              |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>  |  |   |
| INTERNATIONAL APPLICATION NO.<br>PCT/GB2004/003423   | INTERNATIONAL FILING DATE<br>6 August 2004 | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>107568324</b> |
| TITLE OF INVENTION<br>COMPOSITION COMPRISING A BACTERIOCIN AND AN EXTRACT FROM A PLANT OF THE LABIATAE FAMILY  |  |   |
| APPLICANT(S) FOR DO/EO/US<br>Bob COYNE, et al.   |  |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |   |
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |  |   |
| <b>Items 11 to 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>WO 2005/018333 A1 (with Search Report)(73 pages); PCT Request (7 pages) and ISA/220 (13 pages)</b></li> </ol>   |  |   |

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| U.S. Application No. (if known, see 37 CFR 1.5)  |              | INTERNATIONAL APPLICATION NO.<br>PCT/GB2004/003423                            |         | ATTORNEY'S DOCKET NUMBER<br>14923.0035 |                 |                        |    |                       |    |
| <b>10/568324</b>   |              |   |         |  |                 |                        |    |                       |    |
| The following fees have been submitted:  |              |   |         |  |                 |                        |    |                       |    |
| 21. <input checked="" type="checkbox"/> Basic national fee .....   |              | \$300   |         | Applicant use                          | Office use only |                        |    |                       |    |
| 22. <input checked="" type="checkbox"/> Examination fee<br>If International preliminary examination report prepared by USPTO and all claims satisfy provisions of<br>PCT Article 33(1)-(4).....  |              | \$100   |         | \$ 200.00                              |                 |                        |    |                       |    |
| All other situations .....   |              | \$200   |         |  |                 |                        |    |                       |    |
| 23. <input checked="" type="checkbox"/> Search fee<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an<br>International Searching Authority .....   |              | \$100   |         | \$ 400.00                              |                 |                        |    |                       |    |
| International Search Report prepared and provided to the Office .....  |              | \$400   |         |  |                 |                        |    |                       |    |
| All other situations .....   |              | \$500   |         |  |                 |                        |    |                       |    |
| <b>TOTAL OF 21, 22 and 23 =</b>  |              |   |         |  |                 |                        |    |                       |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              | \$ 900.00   |         |  |                 |                        |    |                       |    |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) |         | RATE                                   |                 |                        |    |                       |    |
| - 100 =  | /50 =        | 0   |         | x \$250                                |                 |                        |    |                       |    |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |   |         |  |                 |                        |    |                       |    |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA  | RATE    |  |                 |                        |    |                       |    |
| Total claims   | 68           | - 20 =  | 48      | x \$ 50                                | \$ 2400         |                        |    |                       |    |
| Independent claims   | 7            | - 3 =   | 4       | x \$200                                | \$ 800          |                        |    |                       |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |   | + \$360 |  |                 |                        |    |                       |    |
| <b>TOTAL ABOVE CALCULATIONS =</b>  |              |   |         |  |                 |                        |    |                       |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.   |              |   |         |  |                 |                        |    |                       |    |
| <b>SUBTOTAL =</b> \$ 4590  |              |   |         |  |                 |                        |    |                       |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |   |         |  |                 |                        |    |                       |    |
| <b>TOTAL NATIONAL FEE =</b> \$ 4590  |              |   |         |  |                 |                        |    |                       |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 3.28, 3.31). \$40.00 per property   |              |   |         |  |                 |                        |    |                       |    |
| <b>TOTAL FEES ENCLOSED =</b> \$ 4590   |              |   |         |  |                 |                        |    |                       |    |
| <table border="1"> <tr> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td>Amount to be charged:</td> <td>\$</td> </tr> </table>   |              |   |         |  |                 | Amount to be refunded: | \$ | Amount to be charged: | \$ |
| Amount to be refunded:   | \$           |   |         |  |                 |                        |    |                       |    |
| Amount to be charged:  | \$           |   |         |  |                 |                        |    |                       |    |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>4590.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <b>19-4293</b> in the amount of \$ _____ to cover the above fees.<br/>A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>19-4293</b>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO 2038.</p> |              |   |         |  |                 |                        |    |                       |    |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.   |              |   |         |  |                 |                        |    |                       |    |
| SEND ALL CORRESPONDENCE TO:  |              |   |         |  |                 |                        |    |                       |    |
| <br>Signature  |              |   |         |  |                 |                        |    |                       |    |
| USPTO CUSTOMER NO. 27890   |              |   |         |  |                 |                        |    |                       |    |
| STEPTOE & JOHNSON LLP<br>Attn. USPTO Docket Administrator<br>1330 Connecticut Avenue, NW<br>Washington, DC 20036   |              |   |         |  |                 |                        |    |                       |    |
| Name<br>Harold H. Fox  |              |   |         |  |                 |                        |    |                       |    |
| Tel. 202.429.3000<br>Fax 202.429.3902  |              |   |         |  |                 |                        |    |                       |    |
| 41,498<br>Registration No.   |              |   |         |  |                 |                        |    |                       |    |